

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Philippe BOYE

Serial No:

Filed:

For: A COMPOSITE TEXTILE MATERIAL FOR PROTECTING THE HUMAN BODY  
AGAINST HEAT

**DECLARATION**

I, Andrew Scott Marland, of 35, avenue Chevreul, 92270 BOIS COLOMBES, France, declare that I am well acquainted with the English and French languages and that the attached translation of the French language PCT international application, Serial No. **PCT/FR98/00197** is a true and faithful translation of that document.

All statements made herein are to my own knowledge true, and all statements made on information and belief are believed to be true; and further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any document or any registration resulting therefrom.

A handwritten signature in black ink, appearing to read 'AS Marland', is written over a horizontal line.

Date: September 9, 1999

Andrew Scott Marland

A single horizontal line is drawn below the name.

# Declaration and Power of Attorney For Patent Application

## Declaration Pour Demandes de Brevets Avec Pouvoirs

### French Language Declaration

En tant qu'inventeur nommé ci-après, Je déclare par le présent acte que:

Mon nom, mon domicile, mon adresse postale, ma nationalité sont ceux qui figurent ci-après,

Je déclare que je crois être l'inventeur original, premier et unique (si un seul nom figure sur le présent acte) ou un des co-inventeurs, originaux et premiers (si plusieurs noms figurent sur le présent acte) du sujet revendiqué et pour lequel un brevet est demandé sur la base de l'invention intitulée:

Matériau textile composite pour  
protection du corps humain contre  
la chaleur

dont la description  
(cocher la case correspondante)

☐ est annexée au présent acte.

☒ a été déposée le 4 février 1998

Numéro de série de la demande PCT/FR98/00197

et modifiée le \_\_\_\_\_  
(si approprié)

Je déclare par le présent acte avoir examiné et compris le contenu de la description identifiée ci-dessus, revendications y compris, et le cas échéant telle que modifiée par l'amendement cité plus haut.

Je reconnais le devoir de divulguer l'information qui est en rapport avec l'examen de cette demande selon Titre 37 du Code des Règlements Fédéraux §1.56(a).

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A composite textile material for  
protecting the human body against  
heat

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on February 4, 1998 as

Application Serial No. PCT/FR98/00197

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### French Language Declaration

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

Prior foreign application(s)

Demande(s) de brevet antérieure(s) FRANCE

97/01342

(Number)

(Numéro)

(Country)

(Pays)

(Number)

(Numéro)

(Country)

(Pays)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 119(e) du Code des Etats-Unis, de toute demande de brevet provisoire effectuée aux Etats-Unis et figurant ci-dessous.

(Application No.)

(N° de demande)

(Filing Date)

(Date de dépôt)

(Application No.)

(N° de demande)

(Filing Date)

(Date de dépôt)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 120 du Code des Etats-Unis, de toute demande de brevet effectuée aux Etats-Unis, ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les Etats-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des Etats-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande nationale ou internationale PCT de la présente demande:

(Application No.)

(N° de demande)

(Filing Date)

(Date de dépôt)

(Application No.)

(N° de demande)

(Filing Date)

(Date de dépôt)

Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est passible d'une amende ou d'une incarcération, ou des deux, en vertu de la Section 1001 du Titre 18 du Code des Etats-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below, by checking the box, and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed  
Droit de priorité non revendiqué

6/2/97

(Day/Month/Year Filed)

(Jour/Mois/Année de dépôt)

(Day/Month/Year Filed)

(Jour/Mois/Année de dépôt)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Status) (patented, pending, abandoned)

(Statut) (breveté, en cours d'examen, abandonné)

(Status) (patented, pending, abandoned)

(Statut) (breveté, en cours d'examen, abandonné)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## 10

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

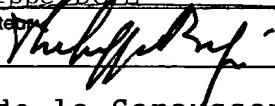
Morton Amster, Registration No. 16,677  
Jesse Rothstein, Registration No. 20,118  
Daniel S. Ebenstein, Registration No. 24,932  
Philip H. Gottfried, Registration No. 25,871  
Michael J. Berger, Registration No. 25,829  
Neil M. Zipkin, Registration No. 27, 476  
Anthony F. LoCicero, Registration No. 29,406  
Joel E. Lutzker, Registration No. 29,406  
Kenneth P. George, Registration No. 30,259  
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**Send Correspondence to:**

AMSTER, ROTHSTEIN&& EBENSTEIN  
90, Park Avenue, New York, New York 10016

**Direct Telephone Calls to:** *(name and telephone number)*

Michael J. Berger, Esq. (212) 697-5995

Nom complet du seul ou premier inventeur Philippe BOYE		Full name of sole or first inventor	
Signature de l'inventeur 		Inventor's signature Date 2/8/99	
Domicile 64, rue de la Carausane F-34200 SETE		Residence F-KX	
Nationalité Français		Citizenship French	
Adresse Postale 64, rue de la Carausane F-34200		Post Office Address	
F-34200 SETE FRANCE			
Nom complet du second co-inventeur, le cas échéant XX		Full name of second joint inventor, if any XX	
Signature de l'inventeur Date		Second Inventor's signature Date	
Domicile		Residence	
Nationalité		Citizenship	
Adresse Postale		Post Office Address	

(Supply similar information and signature for third and subsequent joint inventors.)

Docket No. \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) or Patentee(s) : Philippe Boye Group Art Unit: 5611  
Serial No. or Patent No. : 09/367,019 Examiner: Not assigned  
Filed or Issued : August 5, 1999  
For : COMPOSITE TEXTILE MATERIAL FOR PROTECTING THE HUMAN BODY AGAINST HEAT

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR §1.9(f) AND §1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN MANUFACTURE DE VETEMENTS PAUL BOYEADDRESS OF CONCERN 16, Quai des Moulins F-34200 SETE FRANCE

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: Composite textile material protecting the human body against heat by inventor(s) Philippe BOYE described in

☐ the specification filed herewith☒ application Serial No. PCT/FR98/00197, filed February 4, 1998☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below" and no rights to the invention are held by any person,

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

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other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Philippe BOYE

TITLE OF PERSON IF OTHER THAN OWNER General Manager

ADDRESS OF PERSON SIGNING 64, rue de la Caraussane F-34200 SETE FRANCE

SIGNATURE  DATE 2/8/99

FORM: SMALL.BUS  
Rev. 10/04/94